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## NOTICE OF ALLOWANCE AND FEE(S) DUE

22428 7590 08/22/2008

FOLEY AND LARDNER LLP  
SUITE 500  
3000 K STREET NW  
WASHINGTON, DC 20007

EXAMINER

RILEY, MARCUS T

ART UNIT

PAPER NUMBER

2625

DATE MAILED: 08/22/2008

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/750,977

01/05/2004

Masateru Mitani

065905-0322

1865

TITLE OF INVENTION: PRINTER DRIVER AND METHOD WITH AUTOMATIC SETTING FEATURE

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1440	\$300	\$0	\$1740	11/24/2008

**THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.**

**THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.**

### HOW TO REPLY TO THIS NOTICE:

#### I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

**IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.**

# **PART B - FEE(S) TRANSMITTAL**

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Alexandria, Virginia 22313-1450  
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**INSTRUCTIONS:** This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

22428 7590 08/22/2008

**FOLEY AND LARDNER LLP  
SUITE 500  
3000 K STREET NW  
WASHINGTON, DC 20007**

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

## **Certificate of Mailing or Transmission**

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/750,977	01/05/2004	Masateru Mitani	065905-0322	1865

**TITLE OF INVENTION: PRINTER DRIVER AND METHOD WITH AUTOMATIC SETTING FEATURE**

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1440	\$300	\$0	\$1740	11/24/2008

EXAMINER	ART UNIT	CLASS-SUBCLASS
RILEY, MARCUS T	2625	358-001100

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
- ☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1 \_\_\_\_\_
- (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2 \_\_\_\_\_
- 3 \_\_\_\_\_

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE (B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent) : ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee
- ☐ Publication Fee (No small entity discount permitted)
- ☐ Advance Order - # of Copies \_\_\_\_\_

4b. Payment of Fee(s); (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number \_\_\_\_\_ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

**NOTE:** The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature \_\_\_\_\_

Date \_\_\_\_\_

Typed or printed name \_\_\_\_\_

Registration No. \_\_\_\_\_

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/750,977	01/05/2004	Masateru Mitani	065905-0322	1865
22428	7590	08/22/2008	EXAMINER	
FOLEY AND LARDNER LLP SUITE 500 3000 K STREET NW WASHINGTON, DC 20007			RILEY, MARCUS T	
			ART UNIT	PAPER NUMBER
			2625	
DATE MAILED: 08/22/2008				

## Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 1059 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 1059 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

**Notice of Allowability**

Application No.

10/750,977

Examiner

MARCUS T. RILEY

Applicant(s)

MITANI, MASATERU

Art Unit

2625

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment received by the Office on 25 April 2008.
2. ☒ The allowed claim(s) is/are 1-3, 6-15, 17-21, 23-27 and 29.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- \* Certified copies not received: \_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date 01/05/2004
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_.

/Twyler L. Haskins/  
Supervisory Patent Examiner, AU 2625

**EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Phillip J. Articola on July 28, 2008.

2. The application has been amended as follows:

**Regarding claim 1:**

Claim 1 adds the objected subject matter of claim 5 to the elements of independent claim 1;

wherein determining the default setting for the second imaging option further comprises determining a correspondence frequency of the second imaging option in the history table most often provided by the user in combination with the set first imaging option, and

wherein updating the default setting for the second imaging option comprises changing the default setting for the second imaging option only if the correspondence frequency is greater than or equal to a predetermined value.

**Regarding claim 5:**

Claim 5 has been cancelled.

**Regarding claim 6:**

Claim 6 is amended to depend from independent claim 1 and the word "*frequency*" should be deleted and replaced with the word "*value*". Thus, claim 6 should read 6... The method of claim 1, wherein the predetermined value is greater than or equal to 50%.

**Regarding claim 24:**

Claim 24 adds the objected subject matter of claim 5 to the elements of independent claims 24;

wherein determining the default setting for the second imaging option further comprises determining a correspondence frequency of the second imaging option in the history table most often provided by the user in combination with the set first imaging option, and

updating the default setting for the second imaging option by changing the default setting for the second imaging option only if the correspondence frequency is greater than or equal to a predetermined value.

**Response to Amendment**

3. This office action is responsive to the applicant's remarks received on April 25, 2008. Before this amendment, **claims 1-29** were pending. **Claims 4, 5, 16, 22 & 28** have been cancelled. **Claims 1-3, 6-15, 17-21, 23-27 and 29** have been fully considered and are persuasive.

**Response to Arguments**

4. Applicant's arguments with respect to amended **claims 1, 5, 6, 12, 17, 21, 23, 24 & 29** and cancelled **claims 4, 16, 22 & 28** filed on April 25, 2008 have been fully considered and are persuasive.

**Claim Rejections**

5. See Applicant's Arguments, page 8-11, filed April 25, 2008, with respect to claim rejections under 35 U.S.C. 102 and 103, have been fully considered and are persuasive. Claims 1, 7-13, 18-21 & 24-27 were rejected under 35 U.S.C. 102. In light of the amendments presented, Examiner withdraws the 102 rejections. Furthermore, claims 2-4, 14, 15, 28 & 29 were rejected under 35 U.S.C. 103. In light of the amendments presented, Examiner withdraws the 103 rejections.

In view of the formal amendment submitted by applicant:

Applicant added...

- 1) the objected subject matter of claim 5 to the elements of independent claim 1;
- 2) the objected subject matter of claim 16 to the elements of independent claims 12;
- 3) the objected subject matter of claims 22 to the elements of independent claims 21.

Thus, claims 5, 6, 16 & 22 are now considered to be allowable subject matter because they have been written in independent form including all the limitations of the base claim and any intervening claim.

**Allowable Subject Matter**

6. **Claims 1-3, 6-15, 17-21, 23-27 and 29** are allowed.
7. The following is Examiners statement of reasons for allowance:

**Claims 1, 12, 21 and 24** uniquely identify the distinct features of a printer driver and method with automatic setting feature wherein determining which second imaging option in the history table is most often provided by the user in combination with the set first imaging option.

For example:

Claim 1 recites: A method of configuring an image forming apparatus, comprising: setting a first imaging option, from a first group of imaging options, based on information provided by a user;

determining a default setting for a second imaging option from a second group of imaging options, the default setting for the second imaging option being associated with the set first imaging option;

setting, based on information provided by the user, the second imaging option from the second group of imaging options; and

selectively updating the default setting for the second imaging option based on the set first imaging option and the set second imaging option;

wherein updating the default setting for the second imaging option comprises updating a history table having a predetermined number of entries of imaging options provided by the user, and



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wherein determining the default setting for the second imaging option comprises determining which second imaging option in the history table is most often provided by the user in combination with the set first imaging option.

wherein determining the default setting for the second imaging option further comprises determining a correspondence frequency of the second imaging option in the history table most often provided by the user in combination with the set first imaging option, and

wherein updating the default setting for the second imaging option comprises changing the default setting for the second imaging option only if the correspondence frequency is greater than or equal to a predetermined value.

Claim 12 recites: An image forming apparatus, comprising: an image former configured to form an image on a media; a user interface configured to interface with a user; and

a processor electrically coupled to the user interface and configured to control the image former, the processor being programmed to:

set a first imaging option from a first group of imaging options, based on information provided by the user;

determine a default setting for a second imaging option from a second group of imaging options, the default setting for the second imaging option being associated with the set first imaging option;

set the second imaging option from the second group of imaging options, based on information provided by the user; and

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selectively update the default setting for the second imaging option based on the set first imaging option and the set second imaging option;

wherein the processor updates the default setting by updating a history table of previous imaging option selections, and

wherein the processor loads the default setting for the second imaging option after determining the second imaging option in the history table most often corresponding to the first imaging option selection.

Claim 21 recites: A driver for an image forming apparatus, the driver performing method steps of:

receiving a first imaging option selection for the image forming apparatus;

loading a default setting for a second imaging option based on the first imaging option selection;

receiving a second imaging option selection for the image forming apparatus; and

updating the default setting for the second imaging option based on the first imaging option selection and the second imaging option selection;

wherein updating the default setting comprises updating a history table of previous imaging option selections, and

wherein loading the default setting for the second imaging option comprises determining the second imaging option in the history table most often corresponding to the first imaging option selection.

Claim 24 recites: A method of configuring an image forming apparatus, comprising:

providing a user with a graphical user interface which allows the user to select at least one first imaging option as a selected imaging option, wherein a print or copy job requires selection of the at least one first imaging option and at least one second imaging option;

based on selection of the at least one first imaging option obtained by way of the graphical user interface, determining a default value for the at least one second imaging option;  
and

obtaining a user history of imaging option selections made in previous print jobs for the at least one first imaging option and the at least one second imaging option,

wherein the default value for the at least one second imaging option is determined based on the user history.

wherein determining the default setting for the second imaging option further comprises determining a correspondence frequency of the second imaging option in the history table most often provided by the user in combination with the set first imaging option, and

updating the default setting for the second imaging option by changing the default setting for the second imaging option only if the correspondence frequency is greater than or equal to a predetermined value.

The closest prior art made of record with regards to the Examiner's 102 and 103 rejections includes: Minigawa (US 7,057,747 B1 hereinafter, Minigawa '747) and Suzuki et al. (US 7,173,730 hereinafter, Suzuki '730).

Any comments considered necessary by applicant must be submitted no later than the payment of the issue and fee and, to avoid processing delays, should preferably accompany the

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issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marcus T. Riley whose telephone number is 571-270-1581. The examiner can normally be reached on Monday - Friday, 7:30-5:00, est.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Twyler L. Haskins can be reached on 571-272-7406. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Marcus T. Riley  
Assistant Examiner  
Art Unit 2625

/M. T. R./

Examiner, Art Unit 2625

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/Twyler L. Haskins/

Supervisory Patent Examiner, Art Unit 2625